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# HOUSE BILL No. 1371

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-37-6.

**Synopsis:** Nonsmoking areas in restaurants. Provides that after July 1, 2005, a restaurant may not claim to have a nonsmoking area unless the designated smoking and nonsmoking areas are separated by a wall or a distance of 30 feet.

**Effective:** July 1, 2004.

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**Thompson**

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January 20, 2004, read first time and referred to Committee on Commerce and Economic Development.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1371

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-41-37-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The official in  
3 charge of a public building shall do the following:

4 (1) Post conspicuous signs that read "Smoking Is Prohibited By  
5 State Law Except In Designated Smoking Areas" or other similar  
6 language.

7 (2) Request persons who are smoking in violation of section 4 of  
8 this chapter to refrain from smoking.

9 (3) Remove a person who is smoking in violation of section 4 of  
10 this chapter and fails to refrain from smoking after being  
11 requested to do so.

12 (b) The proprietor of a restaurant shall, under sections 4 and 5 of  
13 this chapter, post conspicuous signs at each entrance to the restaurant,  
14 informing the public of the establishment's smoking policy.

15 (c) **This subsection applies after July 1, 2005, to a restaurant**  
16 **that has both a designated smoking area and a designated**  
17 **nonsmoking area. A restaurant may not claim to have a designated**

2004

IN 1371—LS 6293/DI 77+



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- 1 nonsmoking area unless the designated nonsmoking area is  
2 separated from the restaurant's designated smoking area by:  
3 (1) a solid, continuous wall that is:  
4 (A) at least eight (8) feet in height; or  
5 (B) connected to the floor and to the ceiling; or  
6 (2) a distance of at least thirty (30) feet, measured horizontally  
7 from the point in the designated nonsmoking area that is  
8 closest horizontally to the designated smoking area.

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